

CHAPTER 54

DANGEROUS AND VICIOUS ANIMALS

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54.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Dangerous animal" means (a) any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so; (b) any animal declared to be dangerous by the Mills County Board of Health or Council or its designee; and (c) the following animals, which are deemed to be dangerous animals per se:

- A. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;
- B. Wolves, coyotes and foxes;
- C. Badgers, wolverines, weasels, skunk and mink;
- D. Raccoons;
- E. Bears;
- F. Monkeys and chimpanzees;
- G. Bats;
- H. Alligators and crocodiles;
- I. Scorpions;
- J. Snakes that are venomous, or constrictors;
- K. Gila monsters.

2. "Vicious animal" means any animal, except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that said animal (a) has bitten or clawed a person or persons on two separate occasions within a twelve-month period; or (b) did bite or claw once causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of the

attack to prevent the occurrence; or (d) has attacked any domestic animal or fowl on three separate occasions within a twelve-month period.

3. (Repealed by Ordinance No. 746 – Nov. 04 Supp.)

54.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous animal as a pet, or act as a temporary custodian for such animal, or keep, shelter or harbor such animal for any other purpose or in any other capacity within the City except in the following circumstances:

1. The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.
2. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
3. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481B of the Code of Iowa.

54.03 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason within the City a vicious animal except in the following circumstances:

1. Animals under the control of a law enforcement or military agency.
2. The keeping of guard dogs; however, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of this chapter. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "Guard Dog," "Vicious Dog" or words of similar import, and the owner of such premises shall inform the local law enforcement officers that a guard dog is on duty at said premises.

54.04 SEIZURE, IMPOUNDMENT AND DISPOSITION.

1. In the event that a dangerous or vicious animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the Mayor or peace officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous or vicious animal on premises in the City, the Mayor shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous or vicious animal in the City, the Mayor shall order the person named in the complaint to safely remove such animal from the City, permanently place the animal with an organization or group allowed to possess dangerous or vicious animals, or destroy the animal, within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous or vicious animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous or vicious animal shall not be required where such dangerous or vicious animal has previously caused serious physical harm or death to any person, in which case the Mayor shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

3. The order to remove a dangerous or vicious animal issued by the Mayor may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three (3) days after receipt of the order contained in the notice to remove the dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the Mayor.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the Mayor. Such determination shall be contained in a written decision and shall be filed with the Clerk within three (3) days after the hearing or any continued session thereof.

5. If the Council affirms the action of the Mayor, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal remove such animal from the City, permanently place such animal with an organization or group allowed to possess dangerous or vicious animals or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the Mayor is not appealed and is not complied with

within three (3) days or the order of the Council after appeal is not complied with within three (3) days of its issuance, the Mayor is authorized to seize, impound or destroy such dangerous or vicious animal. Failure to comply with an order of the Mayor issued pursuant to this chapter and not appealed, or the Council after appeal, constitutes a simple misdemeanor.

(Ch. 54 - Ord. 630 - Jan. 98 Supp.)

54.05 MAYOR DESIGNEE. The duties imposed upon the Mayor by this chapter may be performed by a designee of the Mayor. *(Ord. 746 - Nov. 04 Supp.)*

54.06 PIT BULLS PROHIBITED. Except as otherwise provided in this section, it shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell any pit bull within the City of Glenwood, Iowa.

1. Pit Bull and Owner Defined.

A. A "pit bull" is defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the aforementioned breeds, as from time to time may be modified. The final determination of the classification of any dog lies with the City Council of the City of Glenwood.

B. An "owner" is defined as any person or entity who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells a pit bull.

2. Exception to Prohibition. The owner of a pit bull currently licensed as of the date of publication of the ordinance codified in this section and who maintains the pit bull at all times in compliance with the requirements of this section and all other applicable requirements of Chapter 54 and Chapter 55 of the Glenwood Code of Ordinances, may keep a pit bull within the City limits of Glenwood, Iowa. Such requirements of this section are as follows:

A. The owner of the pit bull shall keep the license current by annual renewal, and such license shall not be transferable and shall be renewable only by the holder of the license or by a

member of the immediate family, such licensee who is at least 18 years of age. The owner of the pit bull must be at least 18 years of age. The owner shall not be able to sell or transfer the pit bull to any other person or entity located within the City of Glenwood, Iowa except to a member of the immediate family. The Glenwood Police Department shall be notified by the owner of any such sale or transfer within three (3) days of the sale or transfer, and the owner shall provide the name, age, address, and telephone number of the new owner.

B. The owner must provide or present to the Glenwood Police Department proof that the owner has procured liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000.00), covering any damage or injury that may be caused by a pit bull during the duration of its license. Such policy shall contain a provision requiring the insurance company to provide written notice to the Glenwood Police Department not less than fifteen (15) days prior to any cancellation, termination, or expiration of the policy.

C. The owner, at his or her own expense, shall have the pit bull spayed or neutered within thirty (30) days of the final publication of this ordinance, and present written proof to the Glenwood Police Department from a licensed veterinarian that such sterilization has been performed.

D. The owner shall cause to be placed and remain in place a sign at his or her property entrance and which must contain the words "pit bull dog." Said sign shall be a minimum of 8" X 10" in size and the lettering on such sign shall not be less than two (2) inches in height.

E. At all times when a pit bull is at the property of the owner, the owner shall keep the pit bull confined. "Confined" as used in this section shall mean the dog shall be placed in a securely enclosed and locked pen or structure upon the premises which shall be set back at least ten (10) feet from the nearest property line of the premises. Said pen or structure must be constructed of materials which prevent the pit bull from biting or otherwise attacking a person wholly outside of the pen or structure. No owner or person shall permit or allow such pit bull to be beyond the premises of such person unless the pit bull is securely leashed and muzzled by a responsible adult, or otherwise securely restrained in a kennel or other enclosure. The leash shall be no

longer than four feet. "Muzzled" shall mean that the jaws of the pit bull are confined by a device that prevents the pit bull from biting. A "secured temporary enclosure" shall mean an enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a door for removal of the pit bull. Such enclosure must be constructed in order to ensure that the pit bull may not exit the enclosure on its own.

F. The owner of the pit bull must notify the Glenwood Police Department within five (5) days in the event the pit bull is lost, stolen, dies or has a litter.

G. In the event of a litter, the owner shall not keep any puppy of the litter for more than eight (8) weeks. Any puppy from the litter shall be permanently transferred out of the City limits of the City of Glenwood, Iowa within eight weeks of its birth.

3. The City of Glenwood is authorized to immediately impound any pit bull found in the City limits of the City of Glenwood for which the foregoing requirements have not been strictly complied with by the owner, and, upon such impoundment, shall be able to dispose of the pit bull in accord with Section 55.04 or Section 55.16 of the Glenwood City Code of Ordinances.

(Ord. 791 – Oct. 07 Supp.)

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